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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 ROBERT J. O'BRIEN,

14 Defendant.  
15

NO. CR08-5123 FDB

FINAL ORDER OF FORFEITURE

16 THIS MATTER comes before the Court on motion of the United States for entry  
17 of a Final Order of Forfeiture with respect to the following properties:

- 18 (a) Any and all images of child pornography, in whatever form and however  
19 stored, including but not limited to, those stored on zip disks, DVDs, and  
20 floppy diskettes;  
21 (b) One (1) Compaq Presario laptop computer, serial number CND333306 DY;  
(c) One (1) Hewlett-Packard desktop computer, serial number MXX74307C8;  
(d) One (1) External Hard Drive, Serial Number 17371150; and  
(e) One(1) Hewlett-Packard Computer Monitor, serial number CND7352T5X.

22 (hereinafter sometimes referred to as the "properties").

23 On October 31, 2008, this Court entered a Preliminary Order of Forfeiture in the  
24 above-captioned case forfeiting defendant Robert O'Brien's interest in the properties.

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1 The properties listed in paragraph (a) are subject to forfeiture, pursuant to Title 18,  
2 United States Code, Section 2253(a)(1), because said properties constitute visual  
3 depictions as described in Title 18, United States Code, Section 2252. The properties  
4 listed in paragraphs (b) through (e) are subject to forfeiture, pursuant to Title 18, United  
5 States Code, Section 2253(a)(3), because said properties were used or intended to be used  
6 to commit or to promote the commission of the offense of Possession of Visual  
7 Depictions of Minors Engaged in Sexually Explicit Conduct, in violation of Title 18,  
8 United States Code, Section 2252(a)(4)(B) and (b)(2), as charged in Count 2 of the  
9 Indictment, to which the defendant has pleaded guilty. In his plea agreement, the  
10 defendant agreed to the forfeiture of the above-listed properties.

11 Pursuant to Title 21, United States Code, Section 853(n), the United States  
12 published notice on [www.forfeiture.gov](http://www.forfeiture.gov), for at least thirty (30) consecutive days,  
13 beginning with November 18, 2008. In the publication, the United States published notice  
14 of the Preliminary Order of Forfeiture and the intent of the United States to dispose of  
15 properties (b) through (e), above, in accordance with law. This notice further stated that  
16 any person, other than the defendant, having or claiming a legal interest in properties (b)  
17 through (e), above, was required to file a petition with the Court within thirty (30) days of  
18 the final publication of notice or personal receipt of notice, whichever is earlier, setting  
19 forth the nature of the petitioner's right, title, and interest in the properties.

20 All persons and entities believed to have an interest in the properties subject to  
21 forfeiture were given proper notice of the intended forfeiture. No petitioners or claimants  
22 have come forth to assert an interest in any of the forfeited properties and the time for  
23 doing so has expired. Accordingly,

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1 IT IS ORDERED, ADJUDGED and DECREED that the following properties are  
2 hereby fully and finally condemned and forfeited to the United States in their entirety:


- 3 (a) Any and all images of child pornography, in whatever form and however  
4 stored, including but not limited to, those stored on zip disks, DVDs, and  
5 floppy diskettes;  
6 (b) One (1) Compaq Presario laptop computer, serial number CND333306 DY;  
7 (c) One (1) Hewlett-Packard desktop computer, serial number MXX74307C8;  
8 (d) One (1) External Hard Drive, Serial Number 17371150; and  
9 (e) One(1) Hewlett-Packard Computer Monitor, serial number CND7352T5X.

10 IT IS FURTHER ORDERED, ADJUDGED and DECREED that no right, title, or  
11 interest to the above-described properties shall exist in any other party.

12 The United States Marshals Service, is authorized to dispose of the above-  
13 described properties in accordance with law.

14 The Clerk of the Court is hereby directed to send a copy of this Final Order of  
15 Forfeiture to all counsel of record and send three (3) "raised seal" certified copies to the  
16 United States Marshals Service in Seattle, Washington.

17 DATED this 27<sup>th</sup> day of February, 2009.

18   
19 FRANKLIN D. BURGESS  
20 UNITED STATES DISTRICT JUDGE

21 Presented by:

22 s/ Richard E. Cohen  
23 RICHARD E. COHEN  
24 Assistant United States Attorney  
25 United States Attorney's Office  
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27 Seattle, Washington 98101-1271  
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